



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board

## Central Coast Region

Internet Address: <http://www.waterboards.ca.gov/centralcoast>  
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906  
Phone (805) 549-3147 • FAX (805) 543-0397



Arnold Schwarzenegger  
Governor

April 23, 2008

Gene Gonzalo  
California Department of Transportation  
P.O. Box 23660  
Oakland, CA 94623

Dear Mr. Gonzalo:

### **WATER QUALITY CERTIFICATION NUMBER 34308WQ02 FOR UVAS CREEK BRIDGE REPLACEMENT PROJECT, SANTA CLARA COUNTY**

Thank you for the opportunity to review your February 7, 2008 application for water quality certification of the Uvas Creek Bridge Replacement Project. The application was completed on April 9, 2008. The project appears to protect beneficial uses of State waters. We are issuing the enclosed Technically-conditioned Letter of Certification.

At this time, we do not anticipate issuing additional requirements based on your application. Should new information come to our attention that indicates a water quality problem, we may require additional monitoring and reporting, issue Waste Discharge Requirements, or take other action.

Your Section 401 Water Quality Certification application and CEQA documents indicate that project activities may affect beneficial uses and water quality. The Water Board issues this certification to protect water quality and associated beneficial uses from project activities. We need reports to determine compliance with this certification. All technical and monitoring reports requested in this certification, or anytime after, are required per Section 13267 of the California Water Code.

Your failure to submit reports required by this certification, or your failure to submit a report of technical quality acceptable to the Executive Officer, may subject you to enforcement action per Section 13268 of the California Water Code. The Water Board will base enforcement actions on the date of certification. Any person affected by this Water Board action may petition the State Water Resources Control Board (State Board) to review this action in accordance with California Water Code Section 13320; and Title 23, California Code of Regulations, Sections 2050 and 3867-3869. The State Board, Office of Chief Counsel, PO Box 100, Sacramento, CA 95812, must receive the petition within 30 days of the date of this certification. We will provide upon request copies of the law and regulations applicable to filing petitions.

*California Environmental Protection Agency*



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If you have questions please contact **Jasmin Mejia** at (805) 542-4632 or by e-mail at [JMejia@waterboards.ca.gov](mailto:JMejia@waterboards.ca.gov). Please include the above certification number in all correspondence pertaining to this certification.

Sincerely,



Roger W. Briggs  
Executive Officer

Enclosure: Action on Request for CWA Section 401 Water Quality Certification

S:\Section 401 Certification\Certifications\Santa Clara\Uvas Creek Bridge Replacement Project.doc

cc: with enclosures

U.S. Army Corps of Engineers  
San Francisco District  
Regulatory Section  
333 Market Street  
San Francisco, CA. 94105-2197

401 Program Manager  
State Water Resources Control Board  
Division of Water Quality  
Water Quality Certification Unit  
1001 "I" Street  
Sacramento, CA 95812-0100

Suzanne Deleon  
California Department of Fish and Game  
Lake and Streambed Alteration  
PO Box 47  
Yountville, CA 94599

Eric Raffini  
[Raffini.Eric@epamail.epa.gov](mailto:Raffini.Eric@epamail.epa.gov)



Action on Request for  
Clean Water Act Section 401 Water Quality Certification  
for Discharge of Dredged and/or Fill Materials

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**PROJECT:** Uvas Creek Bridge Replacement Project  
**APPLICANT:** Gene Gonzalo  
Caltrans  
P.O. Box 23660  
Oakland, CA 94623

**ACTION:**

1. ☐ Order for Standard Certification
2. ☒ Order for Technically-conditioned Certification
3. ☐ Order for Denial of Certification

**STANDARD CONDITIONS:**

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment per section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed per to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.
4. In the event of a violation or threatened violation of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
5. In response to a suspected violation of any condition of this certification, the Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Water

Board deems appropriate, provided that the burden, including costs, of the reports shall have a reasonable relationship to the need for the reports and the benefits obtained from the reports.

6. The total fee for this project is **\$2435.00** which includes the \$500 application fee. The remaining fee payable to the RWQCB is **\$1935.00**.

**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

**Jasmin Mejia**

Central Coast Region, Region 3

(805) 542-4632

(805) 549-3147 (fax)

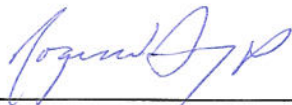
[JMejia@waterboards.ca.gov](mailto:JMejia@waterboards.ca.gov)

Please refer to the above certification number when corresponding with the Water Board concerning this project.

**WATER QUALITY CERTIFICATION:**

I hereby issue an order certifying that any discharge from the Uvas Creek Bridge Replacement Project shall comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



Roger W. Briggs  
Executive Officer  
Regional Water Quality Control Board

4-24-08  
Date



## Attachment 1

**PROJECT INFORMATION**

Application Date	Received: February 7, 2008 Completed: April 9, 2008
Applicant	Gene Gonzalo—Caltrans
Applicant Representatives	Hardeep Takhar—Caltrans
Project Name	Uvas Creek Bridge Replacement
Water Board Application Number	34308WQ02
Type of Project	Bridge replacement
Project Location	City of Gilroy Longitude: 121° 37' 12"    Latitude: 37° 6' 0"
County	Santa Clara
Receiving Water(s)	Uvas Creek
Water Body Type	Creek
Designated Beneficial Uses	Municipal and Domestic Supply (MUN) Agricultural Supply (AGR) Industrial Service Supply (IND) Ground Water Recharge (GWR) Water Contact Recreation (REC-1) Non-Contact Recreation (REC-2) Wildlife Habitat (WILD) Cold Fresh Water Habitat (COLD) Warm Fresh Water Habitat (WARM) Migration of Aquatic Organisms (MIGR) Spawning, Reproduction, and/or Early Development (SPWN) Rare, Threatened or Endangered Species (RARE) Commercial and Sport Fishing (COMM)
Project Description (purpose/goal)	<p>The purpose of the project is to replace the existing bridge to meet current standards and mitigate for scour damage.</p> <p><u>The Central Coast Regional Water Quality Control Board (Water Board) understands that the project includes the following:</u></p> <ul style="list-style-type: none"> <li>• The project will begin summer 2008 and end 2010.</li> <li>• Construction work will occur during the dry season.</li> <li>• The new bridge will be constructed north of the existing bridge.</li> <li>• The first construction phase will include two bore operations, construction of the new bridge, access roads,</li> </ul>

	<p>and water diversion.</p> <ul style="list-style-type: none"> <li>• Two bore operations will be conducted within the riparian area to obtain geotechnical information for the new bridge.</li> <li>• Two cofferdams and a U-channel will be installed to divert water.</li> <li>• The second construction phase includes the demolition of the existing bridge and water diversion.</li> <li>• Water will be diverted using cofferdams and a U-channel.</li> <li>• The two cofferdams will be constructed 2 meters beyond the north and south end of the existing and new bridge.</li> <li>• The U-channel will be constructed between the two cofferdams to divert water.</li> <li>• The U-channel will be constructed with K-rails and will extend 24 meters between the two cofferdams.</li> </ul>
Preliminary Water Quality Concerns	<p>The Water Board is concerned about sedimentation, siltation, and pollutant release in the creek and wetland. Erosion could be caused by the demolition of the existing bridge and construction of the new bridge. Pollutants could be released from leaking oil, gasoline, hydraulic fluid, and other liquid contaminants that are associated with earth-moving equipment.</p>
Water Board Mitigation Requirements	<p><u>Mitigations proposed by Caltrans that are required to comply with 401 Water Quality Certification are as follows:</u></p> <ul style="list-style-type: none"> <li>• Construction must take place during the dry season.</li> <li>• Construct a platform above the U-channel to prevent construction debris from falling in the creek.</li> <li>• Caltrans shall use silt fences and/or straw wattles around construction areas to control and eliminate erosion and sedimentation.</li> <li>• Erosion control measures shall be applied to all disturbed earth surfaces.</li> <li>• Seeding of entire slope with an approved grass seed mixture and placement of erosion control blankets over seeded areas shall be implemented for slope stabilization.</li> <li>• Any material stockpiled during construction shall be covered with plastic.</li> <li>• All construction vehicles and equipment used on site must be well maintained and checked daily for fuel and hydraulic fluid leaks or other problems that could result in spills of toxic materials.</li> <li>• The contractor must be required to have oil absorbent pads onsite in case a spill occurs.</li> <li>• Caltrans must designate a staging area for</li> </ul>



	<p>equipment/vehicle fueling and storage at least 100 feet away from waterways, in a location where fluid will not flow into waterways.</p> <ul style="list-style-type: none"> <li>• All vehicle fueling must occur at least 100 feet away from waterways, and in the designated staging area.</li> <li>• Sand bags shall be filled with clean gravel.</li> <li>• Concrete shall not come into contact with the waterbody.</li> <li>• All construction debris and trash shall be picked up and disposed at the end of each work day.</li> <li>• Water Board staff must be notified if mitigations as described in the 401 Water Quality Certification application for this project are altered by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. Caltrans must inform Water Board staff of any modifications that interfere with compliance with this certification.</li> </ul>
Area of Disturbance	<p>Approximately 0.9 acres  Streambed: 0.06 acres permanent, 0.09 acres temporary  Riparian: 0.1 acres permanent, 0.6 acres temporary  Wetland: 0.05 acres permanent</p>
Fill/Excavation Area	Approximately 0.06 acres of permanent fill
Dredge Volume	Approximately 117.72 cubic yards
U.S. Army Corps of Engineers Permit No	<p>Nationwide Permit 25 – Structural Discharge  Nationwide Permit 33 – Temporary Construction, Access and Dewatering</p>
Federal Public Notice	NA
Dept. of Fish and Game Streambed Alteration Agreement	Streambed Alteration Agreement is pending. Final, signed copy will be forwarded immediately upon execution.
Possible Listed Species	<p>California red-legged frog  Least Bell's vireo  South-Central California steelhead  San Francisco dusky-footed woodrat  Pallid bat  Western pond turtle</p>
Status of CEQA Compliance	<p>Negative Declaration  Lead Agency: Caltrans</p>
Water Board Compensatory Mitigation Requirements	<p><u>The project will include the following:</u></p> <ul style="list-style-type: none"> <li>• Onsite mitigation shall be the first priority. Caltrans shall contact the Water Board if a suitable restoration site cannot be located onsite for habitat impacts.</li> </ul>

	<ul style="list-style-type: none"><li>• Caltrans shall restore 5.4 acres of riparian corridor on the project site using native plants.</li><li>• Caltrans shall purchase 0.15 acres of wetland mitigation credits from Wildlands, Inc. Pajaro River Mitigation Bank.</li></ul>
Application Fee Provided	\$ 500
Project Fee Due	\$ 1935.00
Total Certification Fee	\$ 2435.00
Additional Conditions	<p>Contact Water Board staff when project begins to allow for a site visit.</p> <p>Submit a signed copy of the Department of Fish and Game's streambed alteration agreement to the Water Board immediately upon execution and prior to any discharge to waters of the State.</p> <p>The Water Board requires visual monitoring and three reports for this project:</p> <ul style="list-style-type: none"><li>• Visually inspect the site (at least one reach upstream and downstream of project) after completion of the project and for two subsequent rainy seasons to ensure that the new structures are not causing excessive erosion or other water quality problems. If the project does cause water quality problems, contact the Water Board staff member overseeing the project. You will be responsible for obtaining any additional permits necessary for implementing plans for restoration to prevent further water quality problems.</li><li>• First Report: Within 30 days of project completion, submit a project completion report that contains a summary of daily activities, monitoring observations, and problems incurred and actions taken; include properly identified post-project photos.</li><li>• Second and Third Report: Submit annual reports complete with photos of revegetation efforts by December 31 of each monitoring year. Annual reports must quantify growth and progress of restoration and determine to what extent performance criteria have been met. All areas of the revegetation site shall be assessed for percent cover, general health and stature, and signs of reproduction. The report shall also include photographs of revegetation progress over time.</li></ul>